

# **The Rules on Job Hunting and Post-Government Employment**

- **Mr. Mark Stone**
- **Air Force Materiel Command Law Office**
- **September 2003**

# **Overview**

- **Job hunting rules**
- **Rules while on terminal leave**
- **Post-government employment rules**
- **Termination SF 278**

# **Job Hunting -- The Key Rule**

- **A Federal employee may not seek employment with a company if he is participating personally & substantially in any “particular matter” that has a direct and predictable effect on the company’s financial interests.**
  - **Unless disqualification from all duties involving the company is approved**
- **“Particular matter” includes contracts, task orders, delivery orders, source selections, asset sales, claims against the govt, etc.**

## **Job Hunting -- After You've Found the Job**

- **If you have a job arranged with a company (and are still employed by the government), you may not participate (through decisions, advice, recommendations, evaluations or an investigation) in any “particular matter” in which the company has a financial interest.**
- **You may provide purely factual information to people.**

# **Job Hunting -- Permissive TDY**

- **Retiring AF members may use permissive TDY for job hunting or house hunting**
- **20 days for CONUS-based members**
- **Must be within 180 days prior to retirement date; may take in conjunction with terminal leave**
- **May not use permissive TDY days to commence post-government employment**

## **Job Hunting -- Expenses**

- **A Federal employee may accept meals, lodgings, transportation and other benefits**
- **customarily provided by a prospective employer**
- **in connection with bona fide employment discussions.**

# **Off-Duty Employment**

- **All employees assigned to AFMC must obtain prior written approval of off-duty employment.**
- **Off-duty employment can be disapproved only if it is prohibited by statute or regulation, would detract from readiness, or would create a security risk.**
- **AF Form 3902 is used to obtain approval of off-duty employment.**
- **Rule applies until retirement date, including while on ordinary and terminal leave.**

# **Representing Others**

- **Federal employees may not represent individuals, companies or other organizations before any Federal agency.**
- **Rule applies whether representation is compensated or uncompensated.**
- **Rule applies until retirement date, including while on ordinary and terminal leave.**

# **Disclosure of Non-Public Information**

- **Employees may not disclose non-public information to further their own private interests, or the private interests of another.**
- **“Non-public information” means information the employee gains by reason of Federal employment, and that he or she knows (or reasonably should know) has not been made available to the general public.**
- **Rule applies until retirement date, including while on ordinary and terminal leave.**

# **Working For a Foreign Government**

- **Air Force officers and enlisted personnel may not work for a foreign government.**
- **“Foreign government” includes educational or commercial institutions owned, operated, or controlled by a foreign government.**
- **Rule applies until retirement date, including while on ordinary and terminal leave.**

# **Post-Govt Employment -- The Six Laws**

- **The one-year compensation ban**
- **The lifetime representation ban**
- **The two-year representation ban**
- **The one-year no contact rule**
- **The one-year ban on assisting foreign entities**
- **Retired military members working for a foreign govt.**

# **Procurement Integrity Law -- One-Year Compensation Ban**

- **Employees who serve in one of seven positions, or who make one of seven types of decisions, on a contract over \$10 million, may not accept compensation from the contractor for one year.**
- **One-year ban is on accepting compensation from the contractor as an employee, consultant, officer or director.**

# **One-Year Compensation Ban -- Seven Positions**

- **Procuring Contracting Officer**
- **Source Selection Authority**
- **Member of Source Selection Evaluation Board**
- **Chief of financial or technical evaluation team**
- **Program Manager**
- **Deputy Program Manager**
- **Administrative Contracting Officer**

# **One-Year Compensation Ban -- Seven Decisions**

- **Decision to award a contract over \$10 million**
- **Decision to award a subcontract over \$10 million**
- **Decision to award a modification that is over \$10 million of a contract or subcontract**
- **Decision to award a task order or delivery order over \$10 million**

## **One-Year Compensation Ban -- Seven Decisions -- Cont'd**

- **Decision to establish overhead or other rates applicable to a contract or contracts valued over \$10 million**
- **Decision to approve issuance of a contract payment or payments over \$10 million**
- **Decision to pay or settle a claim over \$10 million**

# **Lifetime Representation Ban**

- **If a Federal employee participates personally and substantially in a “particular matter,” he or she may not appear before or communicate with any Federal employee, with the intent to influence that employee, regarding that same particular matter.**
- **“Particular matter” includes contracts, task orders, delivery orders, asset sales, claims against the government, requests to use government facilities, personnel actions, etc.**

# **Two-Year Representation Ban**

- **If a Federal employee has a “particular matter” under her official responsibility during her last year in the government, she may not, for 2 years, appear before or communicate with any Federal employee, with the intent to influence that employee, regarding that same particular matter.**
- **“Particular matter” includes contracts, task orders, delivery orders, asset sales, claims against the government, requests to use government facilities, personnel actions, etc.**

# **One-Year No Contact Rule**

- **General/Flag Officers, and SES employees who are ES-6 or ES-5, may not, for one year, communicate with, or appear before, any employee of their former agency, on behalf of a third party, in connection with any matter on which the third party seeks official action by their former agency.**
- **Rule applies to all matters, even those in which the employee had no involvement while working for the government.**

# **One-Year Ban Regarding Foreign Entities**

- **General/Flag Officers, and SES employees who are ES-6 or ES-5, may not, for one year:**
  - **Represent a foreign government or foreign political party before any government agency with intent to influence a decision by that agency, OR**
  - **Aid or advise a foreign government or foreign political party with intent to influence a decision by a U.S. govt agency.**

# **Retired Military Members Working for a Foreign Government**

- **Retired Air Force officers and enlisted members may not work for a foreign government without prior approval by the Air Force Personnel Center.**
- **“Foreign government” includes educational or commercial institutions owned, operated, or controlled by a foreign government.**

# **Public Financial Disclosure Report (SF 278)**

- **General/Flag Officers, SES employees, and SES-equivalent employees must complete a termination SF 278 not later than 30 days after their retirement date.**
- **Off-duty employment that the filer engages in prior to retirement date must be reported on the SF 278.**